

CX – 08



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND
WATERSHEDS

October 3, 2014

COPY

Reply To
Attn Of: OWW-130

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Dave Erlanson
P.O. Box 46
Swan Valley, ID 83449

Re: NPDES Small Suction Dredge General Permit for Idaho, IDG370000
Miner No.: 168

Dear Dave Erlanson:

The U.S. Environmental Protection Agency (EPA) received a copy of your Joint Application for Permits, which you submitted to the U.S. Army Corps of Engineers, Idaho Department of Water Resources, and Idaho Department of Lands, in order to obtain authorization to suction dredge on McCoy Creek and the South Fork Clearwater River.

Under Section 402 of the Clean Water Act (CWA), it is unlawful to discharge any pollutant from a point source into surface waters of the United States unless a National Pollutant Discharge Elimination System (NPDES) permit is obtained. (Rock and sand are defined as pollutants and a dredge is a point source.) In Idaho, the EPA is the NPDES permit authority and a statewide General Permit for small suction dredge mining—intake nozzle size of 5 inches in diameter or less, with equipment rated at 15 horsepower or less—was made available in early 2013.

You may view the entire General Permit online, maps showing open and closed waters, application, and other supporting information at: <http://yosemite.epa.gov/r10/water.nsf/npdes+permits/idsuction-gp>. If your operation does not fit the terms and conditions of the General Permit, you may apply for an Individual Permit. The EPA must inform you that individual permit applications will require additional site specific analysis with potentially significant wait times before a final individual permit could be issued. (Applications for an Individual Permit, Forms 1 and 2D, are available online at:

http://www.epa.gov/npdes/pubs/form_1.pdf and <http://www.epa.gov/npdes/pubs/3510-2D.pdf>.)

Alternatively, you may reapply to operate in a different area that's open under the NPDES General Permit—or proceed with non-motorized methods of suction dredging as they do not currently require a permit from the EPA. High banking, so long as steps are taken to prevent sediment from re-entering the water, is not regulated by the EPA.

Based on your Joint Application for Permits:

1. We would not be able to authorize the use of an 8-inch dredge under the General Permit.
2. Dredging with a 5-inch dredge or less could be authorized on portions of McCoy Creek. Please submit an application (courtesy copy enclosed) if you would like to obtain coverage under the General Permit.
3. Please note the effluent limitations for the South Fork Clearwater River, described in Part II.B.4 of the permit on page 12. Additionally, the South Fork Clearwater River contains critical habitat for bull trout, steelhead, and Chinook salmon, requiring an Endangered Species Act

(ESA) determination before suction dredging can be permitted (see Part I.D.4 of the permit on page 5).

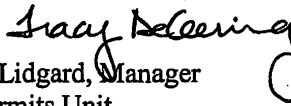
To inquire about ESA Consultation and the U.S. Forest Service's requirements for submitting a Notice of Intent (NOI) and/or Plan of Operations for the South Fork Clearwater River within the Nez Perce-Clearwater National Forests, please contact Mr. Clint Hughes at (208) 983-5146, or email: cehughes02@fs.fed.us. To inquire about the U.S. Forest Service's requirements for submitting a Notice of Intent (NOI) and/or Plan of Operations for McCoy Creek within the Caribou National Forest, please contact Ms. Diane Wheeler at (208) 557-5839, or email: dkwheeler@fs.fed.us.

Please be aware, permit coverage from the EPA and the Idaho Department of Water Resources (IDWR) is required in order to operate a small suction dredge in Idaho. The EPA and IDWR do not share the exact same list of open and closed waterbodies. If you have questions regarding this permit please contact Tracy DeGering in our Idaho Operations Office in Boise at degering.tracy@epa.gov or (208) 378-5756.

Sincerely,

for

Michael J. Lidgard, Manager
NPDES Permits Unit



cc: John Cardwell (John.Cardwell@deq.idaho.gov) – Idaho Dept of Environmental Quality, Lewiston Regional Office
Troy Saffle (Troy.Saffle@deq.idaho.gov) – Idaho Dept of Environmental Quality, Idaho Falls Regional Office
Clint Hughes (cehughes02@fs.fed.us) – U.S. Forest Service, Nez Perce-Clearwater National Forests
Diane Wheeler (dkwheeler@fs.fed.us) – U.S. Forest Service, Caribou-Targhee National Forests
Jeffery Jones (jjones13@fs.fed.us) – U.S. Forest Service, Caribou-Targhee National Forests